THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.31148 of 1997

Between:

Avasarala Satyanarayana Murthy .. Petitioner

And

Deputy Inspector General of Registration
and Stamps, Eluru and others … Respondents

JUDGMENT

31.1.2007

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.31148 of 1997

ORDER:

On the previous occasion, when this case has been listed up, there was no representation on behalf of the petitioner and hence, it is posted for dismissal today. Even today, there is no representation on behalf of the petitioner.

The writ petitioner appears to have been granted a licence as a Document Writer by respondent No.1. The period of the validity of the licence so granted expired on 31.12.1995. If the petitioner wanted renewal of the licence granted in his favour, he was required to submit an application seeking such renewal, sixty days in advance. Far from it, the writ petitioner appears to have paid up the renewal fee on 2.1.1996 soliciting the renewal. But however, the writ petitioner appears to have sent up a petition alleging that one Sri Ramakrishna working in the office of the Sub-Registrar, Pithapuram, East Godavari district had demanded illegal gratification

for renewing his licence. There-afterwards, the impugned order has been passed by the Deputy Inspector General of Registration and Stamps, Eluru on 4.11.1997 cancelling the licence granted in favour of the writ petitioner as a Document Writer and the solitary reason assigned for cancelling the licence was that the writ petitioner has made a baseless allegation against a government servant.

The counter affidavit went on to explain that inspite of providing opportunities to the writ petitioner to participate in the enquiry ordered against the said Ramakrishna based upon his complaint, the writ petitioner has deliberately and wantonly kept himself away from such enquiry. Since, he did not extend the necessary cooperation for the Department to finalise the action against the said Ramakrishna, the impugned order has been passed.

Cancellation of the licence as a Document Writer can be resorted to for any irregularities committed by such licence holder or for breach of any provision of law requiring action to be taken against the Document Writer. But, lodging a complaint against the conduct of a government servant is not an illegality. Even if it is assumed that the contents of the complaint lodged against a government servant are wholly untrue, even then, such reckless petition mongers deserve to be admonished so as to prevent the repetition of their mis-conduct, but they cannot be visited with penal consequences like in the instant case, cancellation of the licence as a

Writer. The remedy cannot be worse than the disease. By resorting to cancellation of the licence, the department is sending absolutely wrong messages that whoever picks up courage to send up petitions against government servants without there being any basis, will be visited with penal consequences. The very object of maintaining purity of public administration is to ensure that the services rendered by the Government reach the desired sectors efficiently and effectively, *sans* any other attendant difficulties. In the process, if any citizen entertains a grievance, he is free to lodge a complaint against the style of functioning of a government servant. The grievance nurtured could be un-real and could be imaginary also. By itself, it should not become the basis for visiting such complainants with evil consequences. It will be driving away all possible and potential complainants from lodging complaints. It is no doubt a menace at the hands of those responsible to maintain the purity of public administration, but the mammoth task of maintaining purity of public administration should not deter away the possible complainants.

For this reason, the impugned order deserves to be set aside by replacing with a warning to be administered to the writ petitioner to be more careful in future before indulging in making baseless and reckless allegations against any government servants.

The writ petition is allowed and the impugned order is set aside to the extent indicated above. No costs.

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NOOTY RAMAMOHAN RAO.J.

31.1.2007
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